

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JESUS P. LOVATO,

Plaintiff,

v.

No. 17-CV-0544-RB-SMV

SAN JUAN COUNTY ADULT DETENTION
CENTER, BOARD OF COUNTY
COMMISSIONERS FOR SAN JUAN COUNTY,
GINGER WHEILER,

Defendants.¹

ORDER OF DISMISSAL WITHOUT PREJUDICE

This matter is before the Court, *sua sponte*. On May 2, 2018, the Court ordered Plaintiff Jesus P. Lovato to show cause why his amended civil rights complaint (Doc. 11) should not be dismissed, in light of his failure to inform the Court of his current mailing address as required by the Local Civil Rules of the United States District Court for the District of New Mexico. (Doc. 21.) *See also* D.N.M. LR-Civ. 83.6. Plaintiff failed to file a written show cause response, but the Court received information from Defendant Ginger Wheiler regarding a possible mailing address for Plaintiff. Additionally, the Court conducted a search of the New Mexico Department of Corrections' online offender database, which revealed that at that time, Plaintiff was incarcerated at the Central New Mexico Correctional Facility. In light of the information regarding Plaintiff's possible whereabouts, the Court afforded Plaintiff a second opportunity to show cause why his amended civil rights complaint should not be dismissed for failure to comply with the Local Civil Rules. (Doc. 26.) The Court warned Plaintiff that the failure to file a timely written show

¹ Defendants San Juan County Adult Detention Center and Board of County Commissioners for San Juan County have been dismissed. (Doc. 13.) Defendant Wheiler is the sole remaining Defendant.

cause response “may result in the dismissal of this action without prejudice without further notice,” pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (*Id.*)

Plaintiff’s written show cause response was due on or before July 3, 2018, but as of the date of this opinion, Plaintiff has failed to file a written response or otherwise comply with the Court’s orders. Therefore, Plaintiff’s amended civil rights complaint (Doc. 11) will be dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *See Fed. R. Civ. P. 41(b)* (providing for involuntary dismissal “[i]f the plaintiff fails to prosecute or to comply with these rules or a court order”); *see also United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 855 (10th Cir. 2005) (noting that “dismissal is an appropriate disposition against a party who disregards court orders and fails to proceed as required by court rules”).

IT IS THEREFORE ORDERED that Plaintiff’s amended civil rights complaint (Doc. 11) is DISMISSED without prejudice; and judgment will be entered.

Robert C. Brack
ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE